

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

BABY DOE, *et al.*,

Plaintiffs,

-v.-

JOSHUA MAST, *et al.*,

Defendants.

CIVIL NO: 3:22-cv-00049-NKM-JCH

**PLAINTIFFS' MOTION, AND MEMORANDUM OF LAW IN SUPPORT OF MOTION,
TO SEAL EXHIBITS 2, 7, 8, AND 9 TO PLAINTIFFS' MOTION, AND BRIEF IN
SUPPORT OF MOTION, FOR SANCTIONS AS TO DEFENDANTS JOSHUA MAST
AND STEPHANIE MAST**

Plaintiffs, by counsel, respectfully move for leave to file under seal Exhibits 2, 7, 8, and 9 of their Motion, and Brief in Support of Motion, for Sanctions as to Defendants Joshua Mast and Stephanie Mast (“Motion for Sanctions”), pursuant to Local Civil Rule 9 and this Court’s Protective Order (ECF No. 26). In support thereof, Plaintiffs state as follows:

Exhibits 2, 7, 8, and 9 of the Motion for Sanctions refers to Plaintiffs by their given names. Exhibits 8 and 9 also include identifying photographs of Baby Doe. This Court has issued a Protective Order (ECF No. 26) allowing Plaintiffs to proceed under pseudonyms, given the concern for their safety and that of other innocent non-parties, such as their family members.

Under the common law right of access to judicial records, documents should be sealed when a party’s interest in keeping the information contained therein confidential outweighs the presumed right of public access. *See, e.g. Stone v. Univ. of Maryland Med. Sys. Corp.*, 855 F.2d 178 (4th Cir. 1988); *Ashcroft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000). “Courts have recognized that an interest in protecting the physical and psychological well-being of individuals

related to the litigation, including family members and particularly minors, may justify restricting access” to court documents. *United States v. Harris*, 890 F.3d 480, 492 (4th Cir. 2018); *see also United States v. Doe*, 962 F.3d 139, 147 (4th Cir. 2020). In this instance, the threats to the safety of the Plaintiffs and other innocent non-parties are very real, and have been recognized by this Court’s Protective Order (ECF No. 26).

Plaintiffs have publicly filed redacted versions of Exhibits 2 and 7. Publicly available versions of Exhibit 8 and 9 have not been filed because they contain identifying information throughout, but they are discussed in the Motion for Sanctions. Thus, the public is not wholly deprived of an understanding of the general underlying factual basis for the request. The relief Plaintiffs seek in this motion is narrowly tailored to the circumstances, and aims to seal only what is absolutely necessary to safeguard the safety of persons related to the litigation. Defendants are not prejudiced as they are aware of Plaintiffs’ identities.

Accordingly, Plaintiffs request that Exhibits 2, 7, 8, and 9 of their Motion for Sanctions be filed under seal, as the risks attendant to public disclosure of these documents is not likely to dissipate over time. A proposed Order is attached as Exhibit A to this Motion.

Dated: January 31, 2024

Respectfully submitted,

/s/ Maya Eckstein

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CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of January 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to all CM/ECF participants.

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